

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>LAWRENCE "POPPY" LIVERS</b>  v.  <b>NATIONAL COLLEGIATE ATHLETIC ASSOCIATION, a/k/a the NCAA, et al.</b>	<b>CIVIL ACTION</b>  <b>NO. 17-4271</b>
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**O R D E R**

This case arises under the Fair Labor Standards Act ("FLSA") and numerous higher education institutions have been named as Defendants. Plaintiff's counsel filed, on the same day as the Complaint, a Motion to Certify Class (ECF 2) (usually referred to as a "collective action") and request to send notices. To date, very few of the Defendants have entered an appearance and none of them have responded to the Complaint.

The Court finds that the Motion to Certify Class is premature, and should await expiration of the time for service on Defendants and also responses by the Defendants to the Complaint.

The Court encourages Plaintiff's counsel to expedite service and to agree to response dates once counsel have entered their appearance for the Defendants.

The Court is not being critical of Plaintiff's counsel for filing the Motion to Certify Class, but believes it is premature and will therefore **DENY** the Motion (ECF 2) without prejudice, and with leave to refile at a subsequent date.

In a case of this nature, the Court will likely have a Rule 16 pretrial conference once the Defendants have been served and counsel have entered an appearance.

**BY THE COURT:**

**Date: 11/16/17**

/s/ Michael M. Baylson  
**MICHAEL M. BAYLSON, U.S.D.J.**